

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU, *et al.*,

Plaintiff,

v.

NEXUS SERVICES, INC., *et al.*,

Defendants.

No.: 5:21-cv-00016-EKD-JCH

**DEFENDANTS' MOTION FOR RECONSIDERATION OR IN THE
ALTERNATIVE CERTIFICATION FOR INTERLOCUTORY APPEAL**

COME NOW Defendants, Nexus Services, Inc., Libre by Nexus, Inc., Micheal Donovan, Richard Moore, and Evan Ajin, who by and through undersigned counsel, Zachary Lawrence, respectfully move this Court to reconsider its order of May 11, 2023, ECF Doc. No. 202 (Memorandum Opinion of May 11, 2023 (ECF Doc. No. 201)), pursuant to Rule 54(b) of the Federal Rules of Civil Procedure (“FRCP”). Specifically, Defendants seek to have the Court reconsider its denial of Defendants’ Motion for Judgment on the Pleadings, holding the issue moot and entering a default judgment in this case. In the alternative Defendants respectfully request the Court to amend its May 11, 2023 order to certify the issues, (1) whether

the Consumer Financial Protection Bureau's funding mechanism is constitutional and (2) if such is unconstitutional whether invalidation of actions taken derived from such unconstitutional funding is appropriate and proper and whether dismissal is required, for interlocutory appeal pursuant to 28 U.S.C. 1292(b).

The grounds for Defendants' motion are those set forth fully in the attached Memorandum of Law.

Dated: May 23, 2023
Cold Brook, N.Y.

Respectfully submitted,
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